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FACSIMILE TRANSMISSION

TO: EXAMINER BRUCE LEV
FAX NUMBER: 703 305 3597
FROM: KEN GLYNN
RE: 09/186,741

COMMENTS: See attached letter.

DATE: 2/6/02 TIME: 1:50 pm
NO OF PAGES (INCLUDING COVER SHEET): 6

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02 February 2002

Examiner Bruce Lev
United States Patent & Trademark Office
Washington, DC 20231

VIA FAX

Re: U.S.S.N. 09/186,741
Title "Anchoring Biscuit Device"
Inventor: Harry W. Eberle III
Filed Nov. 5, 1998
Docket No. HWE-105C

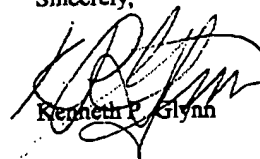
Dear Examiner Lev:

Enclosed is a copy of an Amendment After Appeal Decision which was mailed to the USPTO on October 27, 2001. Also attached thereto is the Certificate of Mailing confirming same. I received the Appeal Decision based on the USPTO posted Remail date of October 11, 2001, and thus filed the Amendment within the required time. However, due to the anthrax problem mail delays, I believe that you may not have yet received the attached.

Would you please review the Amendments and give me a call. If further minor changes are necessary, please call me so that we may make final amendments by Examiner's Amendment.

Thank you.

Sincerely,


Kenneth P. Glynn

fs

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Examiner
HARRY W. EBERLE, III : BRUCE A. LEV
Serial No.: 09/186,741 : Group Art Unit: 3634
Filing Date: November 5, 1998 : Attorney Docket Number:
For: ANCHORING BISCUIT DEVICE : HWE-105C

Honorable Director of Patents and Trademarks
Washington, DC 20231

AMENDMENTS AFTER APPEAL DECISION

This is being filed in response to the Decision On Appeal from the Board of Patent Appeals and Interferences. This Decision was remailed October 11, 2001 to the undersigned, as the original August 27, 2001 mailing was never received. In response to the Decision, please amend the application as follows:

IN THE CLAIMS:

Cancel claims 27 through 29, and insert the following new claims 30 through 32:

*Docketed
10/27/01
WLS/D*

--30. An anchoring biscuit device for joining three boards, which comprises:

(a) a first substantially flat horizontal top element having a generally biscuit-shaped top view configuration with opposite side walls in the shape of arcs from a top view, said arcs having predetermined radii and arc lengths, said top element having a center area between said opposite side walls in the shape of arcs;

(b) at least one substantially vertical support member attached to an underside of said top element at said center area of said top element and extending downwardly therefrom for a predetermined length to maintain said top element in a predetermined position during use for joining two adjacent boards which have been precut with biscuit receiving slots, said at least one vertical support member being substantially flat; and,

(c) at least one attachment orifice located at least on said top element for attachment of said anchoring biscuit device to a support board for anchoring and support of said two adjacent boards;

wherein there is one substantially vertical

support member which is located off-center and to one side of said attachment orifice.

31. The anchoring biscuit device of claim 30 wherein said attachment orifice has a bevelled top.

32. The anchoring biscuit device of claim 30 wherein said attachment orifice is non-circular and elongated.--

REMARKS

On appeal, the rejection of claims 18 through 29 under 35 U.S.C. 103(a) was reversed, and the rejection of claims 27 through 29 under 35 U.S.C. 112 was affirmed. Therefore, claims 18 through 26 were allowed and remain in the case.

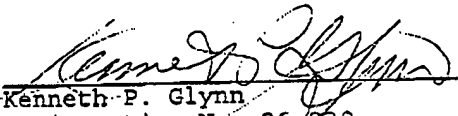
By the above amendments, claims 30 through 32, representing corrected versions of claims 27 through 29 overcome the rejections under 35 U.S.C. 112.

In view of the above, claims 18 through 26 and claims 30 through 32 are believed to be in condition for allowance, and an early and favorable response is earnestly solicited.

Thank you.

Respectfully submitted,

Dated: October 26, 2001

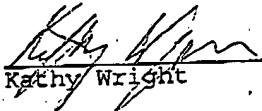

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TOTAL P.07

CERTIFICATION OF MAILING BY EXPRESS MAIL

The undersigned hereby certifies that this document was delivered to the United State Post Office in Flemington, New Jersey 08822 between 7:30 a.m. and 4:30 p.m. on Saturday, October 27, 2001 as EXPRESS MAIL, RETURN RECEIPT REQUESTED. The undersigned further declares that this Certification is made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under applicable sections of United States Patent and Trademark Office may jeopardize the validity of the application or issuing patent related thereto.


Kathy Wright

EM RRR EF209136598US
(HWE-105C)